



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/776,857
Filing Date: 2/11/2004
Applicant: William Gatling et al.
Group Art Unit: 3744
Examiner: Jiang, Chen Wen
Title: PRODUCT SIMULATING PROBE AND METHOD
Attorney Docket: 4731-000003/COD

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

The Examiner's Statement of Reasons for Allowance is respectfully traversed. Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear [the Examiner's] reasons for allowing a claim or claims." 37 C.F.R. 1.104 (e). In the present case, Applicants believe the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted, especially since the statement may unfairly focus on certain reasons for allowance that are not reflected by the prosecution history. Therefore, the record should reflect that Applicants do not necessarily agree with each

statement in the reasons for allowance and specifically disagrees with the narrow characterization of Applicants' claimed invention.

The record should reflect the following comments concerning the Examiner's statement in the reasons for allowance. While Applicants believe that each of the claims are patentably distinct over the prior art, Applicants submit that patentability does not reside solely in the combination of features identified in the Examiner's reasons, or that each feature or combination of features identified therein is required for patentability, or that equivalents of any of the recited features are outside the scope of the claims. Each and every allowed claim is novel and nonobvious due to the combination of elements contained therein and not due to any single element. Thus, every element should be interpreted as broadly as claimed with all equivalents. Moreover, to the extent the reasons for allowance do not separately address the subject matter of each claim, Applicants submit that the failure to address each claim does not infer that the subject matter thereof fails to present other reasons for allowance apart from those specifically stated by the Examiner.

Respectfully submitted,

Dated: June 22, 2006

By: 
Michael Malnzak, Reg. No. 43,770

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/776,857	
	Filing Date	2-11-2004	
	First Named Inventor	William Gatling et al.	
	Art Unit	3744	
	Examiner Name	Jiang, Chen Wen	
Total Number of Pages in This Submission		Attorney Docket Number	4731-000003/COD

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Comments on Statement of Reasons for Allowance; and Acknowledgment Postcard		
<table border="1"><tr><td>Remarks</td><td>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</td></tr></table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Michael Malinzak	Reg. No.	43,770
Signature					
Date	June 22, 2006				

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Michael Malinzak	Express Mail Label No.	EV 853 856 644 US (6/22/2006)
Signature		Date	June 22, 2006

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